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6 Attorneys for Plaintiff
7 JALEEN CLARK

8 **U.S. DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 JALEEN CLARK, an individual,
Plaintiff,

11 vs.

12 ALLIED INTERSTATE, a limited
13 liability company, and Does 1-10,
14 Defendants.

Case No.: '14CV1661 JAH RBB

**COMPLAINT FOR VIOLATIONS
OF:**

1. **FEDERAL FAIR DEBT
COLLECTION PRACTICES
ACT,**
2. **CALIFORNIA ROSENTHAL
ACT,**
3. **INTENTIONAL INFLICTION
OF EMOTIONAL DISTRESS**

15
16 TO THE CLERK OF THE COURT, ALL PARTIES, AND THE HONORABLE U.S.
17 DISTRICT COURT JUDGE:

18 Complainant, JALEEN CLARK, an Individual, by and through her attorneys of
19 record, hereby complains and alleges as follows.

20 **INTRODUCTION**

- 21 1. JALEEN CLARK, (Plaintiff), through her attorneys, brings this action to

1 challenge the actions of Defendant ALLIED INTERSTATE LLC. (hereinafter
2 “ALLIED”), in their abusive and outrageous conduct in connection with debt collection
3 activity.

4 2. This action arises out of Defendants’ violations of the Federal Fair Debt
5 Collection Practices Act (15 U.S.C. §§ 1692-1692p) (hereinafter “Federal FDCPA”);
6 the State of California Rosenthal Act, California Civil Code § 1788-1788.32
7 (hereinafter “Rosenthal” or “Rosenthal Act”); and State of California tort for Intentional
8 Infliction of Emotional Distress.

9 5. In 15 U.S.C. § 1692(a)-(e), the U.S. Legislature made the following
10 findings and purpose in creating the Federal FDCPA:

11 Abusive practices. There is abundant evidence of the use of
12 abusive, deceptive, and unfair debt collection practices by many
13 debt collectors. Abusive debt collection practices contribute to the
number of personal bankruptcies, to marital instability, to the loss
of jobs, and to invasions of individual privacy.

14 Inadequacy of laws. Existing laws and procedures for redressing
15 these injuries are inadequate to protect consumers.

16 Available non-abusive collection methods. Means other than
17 misrepresentation or other abusive debt collection practices are
available for the effective collection of debts.

18 Interstate commerce. Abusive debt collection practices are carried
19 on to a substantial extent in interstate commerce and through
means and instrumentalities of such commerce. Even where
abusive debt collection practices are purely intrastate in character,
they nevertheless directly affect interstate commerce.

20 Purposes. It is the purpose of this title [15 USCS §§ 1692 et seq.]
21 to eliminate abusive debt collection practices by debt collectors, to
insure that those debt collectors who refrain from using abusive

1 debt collection practices are not competitively disadvantaged, and
2 to promote consistent State action to protect consumers against
debt collection abuses.

3 6. In Calif. Civil Code § 1788.1(a)-(b), the California Legislature made the
4 following findings and purpose in creating the Rosenthal Act:

5 (a)(1) The banking and credit system and grantors of credit to
6 consumers are dependent upon the collection of just and owing debts.
7 Unfair or deceptive collection practices undermine the public
8 confidence which is essential to the continued functioning of the
banking and credit system and sound extensions of credit to
consumers.

9 (2) There is need to ensure that debt collectors and debtors exercise
10 their responsibilities to another with fairness and honesty and due
regard for the rights of the other.

11 (b) It is the purpose of this title to prohibit debt collectors from
12 engaging in unfair or deceptive acts of practices in the collection of
consumer debts and to require debtors to act fairly in entering into and
honoring such debts, as specified in this title.

13 7. Plaintiff makes the allegations below on information and belief, with the
14 exception of those allegations that pertain to a plaintiff, or to a plaintiff's counsel, which
15 Plaintiff alleges on personal knowledge.

16 8. While many violations are described below with specificity, this
17 Complaint alleges violations of the statutes cited in their entirety.

18 **JURISDICTION & VENUE**

19 9. This action arises out of Defendants' violations of the Federal FDCPA,
20 over which the U.S. District Court has original subject matter jurisdiction pursuant to
21 28 U.S.C. § 1331; as well as the State of California's Rosenthal Act and the State of

1 California tort for Intentional Infliction of Emotional Distress, over which the U.S.
2 District Court has supplemental jurisdiction pursuant to 28 U.S.C. § 1367(a).

3 10. Defendant ALLIED is a Minnesota company with its primary place of
4 business in the City of New York, State of New York, but conducts business within the
5 State of California and maintains an agent for service of process with C T Corporation
6 System at 818 West Seventh Street 2nd Floor in the City of Los Angeles, so therefore
7 personal jurisdiction is established.

8 11. Because all tortious conduct occurred while Plaintiff resided in the County
9 of San Diego and witnesses reside within the County of San Diego, venue properly lies
10 in this Court.

11 **PARTIES & DEFINITIONS**

12 12. Plaintiff is a natural person whose permanent residence is in the County of
13 San Diego, State of California.

14 13. Defendant ALLIED is a Minnesota company but physically located in the
15 City of New York, State of New York, but upon information and belief regularly does
16 business in the State of California and maintains an agent for service of process in the
17 City of Los Angeles at CT Corporation, 818 W 7th Street, Suite # 200.

18 14. Plaintiff, as a natural person allegedly obligated to pay a consumer debt to
19 Defendants alleged to have been due and owing, is therefore both a “consumer” as that
20 term is defined by 15 U.S.C. § 1692a(3) of the FDCPA, and is also therefore a “debtor”
21 as that term is defined by California Civil Code § 1788.2(h) of the Rosenthal Act.

1 15. Defendants alleged that Plaintiff owed them money that they were
2 allegedly collecting for the original creditor “Capital One”, which indebtedness was
3 incurred by Plaintiff by way of credit card for living expenses, and Plaintiff is therefore
4 informed and believes that the money alleged to have been owed originated from
5 monetary credit that was extended to Plaintiff primarily for personal, family, or
6 household purposes, and is therefore a “debt” as that term is defined by 15 U.S.C. §
7 1692a(5) of the FDCPA and Calif. Civil Code § 1788.2(d) of the Rosenthal Act.

8 16. Upon information and belief, Defendants were attempting to collect on a
9 debt that originated from monetary credit that was extended primarily for personal,
10 family, or household purposes, and was therefore a “consumer credit transaction”
11 within the meaning of Calif. Civil Code § 1788.2(e) of the Rosenthal Act.

12 17. Because Plaintiff, a natural person allegedly obligated to pay money to
13 Defendants arising from what Plaintiff is informed and believes was a consumer credit
14 transaction, the money allegedly owed was a “consumer debt” within the meaning of
15 California Civil Code § 1788.2(f) of the Rosenthal Act.

16 18. Plaintiff is informed and believes that Defendants utilize the
17 instrumentalities of interstate commerce and the mails in a business for which the
18 principal purpose is the collection of any debts, is one who regularly collects or
19 attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or
20 due another, and is therefore a “debt collector” within the meaning of 15 U.S.C. §
21 1692a(6) of the FDCPA and Calif. Civil Code § 1788.2(c) of the Rosenthal Act, and

1 thereby engages in “debt collection” within the meaning of California Civil Code §
2 1788.2(b) of the Rosenthal Act, and is also therefore a “person” within the meaning of
3 California Civil Code § 1788.2(g) of the Rosenthal Act.

4 **FACTUAL ALLEGATIONS**

5 19. Plaintiff became indebted to Capital One sometime in the year 1999, which
6 indebtedness arose out of a line of credit that Plaintiff utilized for living expenses, and
7 which had an account number that ended in 2479.

8 20. Sometime in the year 2009, the original creditor Capital One sold the
9 outstanding debt to a third party debt-buyer “North Star Capital Acquisition, LLC”,
10 who retained the law firm of Nelson & Kennard to attempt to collect the debt from
11 Plaintiff.

12 21. Collection letters from Nelson & Kennard from the year 2009 specifically
13 show that they were attempting to collect on the Capital One account number ending in
14 2479.

15 22. In the year 2010, Plaintiff was sued by the law firm Nelson & Kennard,
16 who filed the suit on behalf of the third party debt-buyer “North Star Capital
17 Acquisition, LLC”.

18 23. That lawsuit resulted in a defense verdict in favor of Ms. Clark, and
19 therefore collateral estoppel and res judicata have forever barred any possibility for a
20 judgment to be issued against Ms. Clark on this debt.

21 24. On or about June 25, 2014, Plaintiff received a phone call from someone

1 who identified himself as “Grant Wilson” claiming to be a collection agent of
2 Defendant ALLIED.

3 25. Mr. Wilson informed Plaintiff that he was contacting her to collecting
4 upon the old debt originally owed to Capital One, and he specifically told her the
5 account number ended in 2479.

6 26. Plaintiff was confused as to why she was being contacted on this old debt,
7 given that a defense verdict was granted in her favor on the very same debt.

8 27. Plaintiff informed Mr. Wilson that she thought this debt was forever closed
9 because of her defense verdict.

10 28. Mr. Wilson grew angry and told Plaintiff that it doesn’t matter, she still
11 owes the debt.

12 29. When Plaintiff asked him to explain, Mr. Wilson asked her rhetorically
13 “What are you an idiot?!”

14 30. When Plaintiff began to get emotionally upset and informed Mr. Wilson
15 that she did not believe she owed the debt, he again used abusive language by telling
16 her she “must be crazy” for thinking she does not owe the debt.

17 31. Mr. Wilson also told Plaintiff that she is a derelict for not paying her debts.

18 32. When Plaintiff asked if she could call Mr. Wilson back, the number he
19 gave her was 866-473-0956.

20 33. A phone call placed to telephone number 866-473-0956 results in a pre-
21 recorded message identifying the phone number as belonging to Defendant ALLIED.

1 34. As a result of Defendant ALLIED's abusive conduct towards Plaintiff,
2 Plaintiff suffered mental anguish such that she promptly cried over being called an
3 "idiot", "crazy", and a "derelict", and she felt emotions of embarrassment, humiliation,
4 ridicule, and low self-worth.

5 35. At all times during the aforementioned actions, there was in full force and
6 effect the following obligation upon debt collectors by the Federal FDCPA, pursuant to
7 15 U.S.C. § 1692d:

8 A debt collector may not engage in any conduct the natural
9 consequence of which is to harass, oppress, or abuse any person in
connection with the collection of a debt.

10 36. At all times during the aforementioned actions, there was in full force and
11 effect the following obligation upon debt collectors by the Federal FDCPA, pursuant to
12 15 U.S.C. § 1692e:

13 A debt collector may not use any false, deceptive, or misleading
14 representation or means in connection with the collection of any
debt.

15 37. At all times during the aforementioned actions, there was in full force and
16 effect the following obligation upon debt collectors by the Federal FDCPA, pursuant to
17 15 U.S.C. § 1692f:

18 A debt collector may not use unfair or unconscionable means to
19 collect or attempt to collect any debt.

20 38. At all times during the aforementioned actions, there was in full force and
21 effect the following obligation for a debt collector in connection with the collection of

1 any debt, pertaining to pursuant to California Civil Code § 1788.17 of the Rosenthal
2 Act, requiring all debt collectors to be responsible for and liable for all requirements
3 contained with the Federal FDCPA, exceptions of which are not applicable:

4 Notwithstanding any other provision of this title, every debt
5 collector collecting or attempting to collect a consumer debt shall
6 comply with the provisions of Sections 1692b to 1692j, inclusive,
7 of, and shall be subject to the remedies in Section 1692k of, Title 15
8 of the United States Code. However, subsection (11) of Section
9 1692e and Section 1692g shall not apply to any person specified in
10 paragraphs (A) and (B) of subsection (6) of Section 1692a of Title
11 15 of the United States Code or that person's principal. The
12 references to federal codes in this section refer to those codes as
13 they read January 1, 2001.

10 39. At all times during the aforementioned actions, there was in full force and
11 effect the following obligation pertaining to pursuant to California Civil Code §
12 1788.11(a) of the Rosenthal Act:

13 No debt collector shall collect or attempt to collect a consumer debt
14 by means of the following practices:

15 (a) Using obscene or profane language;

16 **FIRST CAUSE OF ACTION**
FEDERAL FDCPA
15 U.S.C. §§ 1692-1692p

17 40. Plaintiff repeats, re-alleges, and incorporates by reference all other
18 paragraphs, as if fully set forth herein.

19 41. By calling Plaintiff such abusive names as “idiot”, “crazy”, and “derelict”
20 with the intention of harassing Plaintiff to force her into paying the outstanding debt,
21 Defendants therefore violated 15 U.S.C. §§ 1692d, 1692e, & 1692f of the Federal

1 FDCPA.

2 42. By falsely telling Plaintiff that she still owes the debt even though she was
3 granted a defense verdict on the very same debt, Defendant engaged in unfair conduct
4 and used false, misleading misrepresentations in violation of 15 U.S.C. §§ 1692e, &
5 1692f of the Federal FDCPA.

6 **SECOND CAUSE OF ACTION**
7 **ROSENTHAL ACT**
8 **CAL. CIV. CODE §§ 1788-1788.32**

9 43. Plaintiff re-alleges and incorporates by reference the above paragraphs, as
10 though set forth fully herein.

11 44. By violating 15 U.S.C. §§ 1692d, 1692e, & 1692f of the Federal FDCPA,
12 as identified the First Cause of Action above, Defendants also necessarily violated the
13 Rosenthal Act via Calif. Civil Code § 1788.17.

14 45. By using profane and abusive language such as calling Plaintiff an “idiot”,
15 “crazy”, and “derelict”, Defendant violated Calif. Civil Code § 1788.11(a) of the
16 Rosenthal Act.

17 **THIRD CAUSE OF ACTION**
18 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

19 46. Plaintiffs repeat, re-allege, and incorporate by reference all other
20 paragraphs, as if fully set forth herein.

21 47. “A cause of action for intentional infliction of emotional distress exists
when there is ‘(1) extreme and outrageous conduct by the defendant with the intention

1 of causing, or reckless disregard of the probability of causing, emotional distress; (2)
2 the plaintiff's suffering severe or extreme emotional distress; and (3) actual and
3 proximate causation of the emotional distress by the defendant's outrageous conduct.'
4 A defendant's conduct is 'outrageous' when it is so 'extreme as to exceed all bounds
5 of that usually tolerated in a civilized community.' And the defendant's conduct must
6 be 'intended to inflict injury or engaged in with the realization that injury will result.'
7 " (*Hughes v. Pair* (2009) 46 Cal.4th 1035, 1050—1051 [95 Cal.Rptr.3d 636, 209 P.3d
8 963]).

9 48. It was extreme and outrageous for Defendant to call Plaintiff an "idiot",
10 "crazy", and a "derelict" for simply trying to understand why she was being contacted
11 on a debt for which she was granted a defense verdict, because no civilized community
12 would tolerate such conduct.

13 49. As a result of Defendant's abusive conduct towards Plaintiff, Plaintiff
14 suffered severe emotional distress in that she promptly cried over being called an
15 "idiot", "crazy", and a "derelict", and she felt emotions of embarrassment, humiliation,
16 ridicule, and low self-worth.

17 50. By engaging in such conduct, Defendant intended to shame Plaintiff and
18 force her into paying the debt.

19 51. Plaintiff is further informed and believes that the aforesaid conduct was
20 malicious and oppressive, as those terms are defined by California Civil Code sections
21 3294(c)(1) and 3294(c)(2), entitling Plaintiff to punitive damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against all Defendants, and Plaintiff be awarded damages from all Defendants as follows:

As to the First Cause of Action:

1. An award of actual damages pursuant to 15 U.S.C. § 1692k(a)(1), as will be proven at trial;

2. An award of statutory damages of \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A);

3. An award of costs of litigation and reasonable attorney's pursuant to 15 U.S.C. § 1692k(a)(3).

As To the Second Cause of Action:

1. An award of actual damages pursuant to California Civil Code § 1788.30(a), as will be proven at trial, which are cumulative and in addition to all other remedies provided for in any other cause of action pursuant to California Civil Code § 1788.32;

2. An award of statutory damages of \$1,000.00 pursuant to Cal. Civ. Code § 1788.30(b), which are cumulative and in addition to all other remedies provided for in any other cause of action pursuant to California Civil Code § 1788.32;

3. An award of costs of litigation and reasonable attorney's fees pursuant to Cal. Civ. Code § 1788.30(c).

1 **As to the Third Cause of Action (IIED):**

2 1. For compensatory damages, as will be proven at trial, pursuant to
3 California Civil Code § 3333;

4 2. Attorney's fees pursuant to Calif. Code Civil Procedure § 1021.5;

5 3. Punitive damages to be determined at trial, for the sake of example and
6 punishing Defendant for their malicious conduct with the intent to harm Plaintiff
7 personally, pursuant to Calif. Civ. Code § 3294(a), (c)(1);

8 4. For other and further relief as the court may deem proper.

9 DATED: 7/15/2014

HARTMAN LAW OFFICE, INC.

10
11 /s/ Jared M. Hartman
JARED M. HARTMAN, Esq.
12 Attorney for Plaintiff
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TRIAL BY JURY

Pursuant to the Seventh Amendment to the Constitution of the United States of America, Plaintiff is entitled to, and demands, a trial by jury.

DATED: 7/15/2014

HARTMAN LAW OFFICE, INC.

/s/ Jared M. Hartman

JARED M. HARTMAN, Esq.

Attorney for Plaintiff

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Jaleen Clark

(b) County of Residence of First Listed Plaintiff San Diego

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Hartman Law Office, Inc.; 400 S. Melrose, Ste 209; Vista 92081;
951-234-0881

Semnar Law Firm, Inc.; 400 S. Melrose, Ste 209; Vista 92081

DEFENDANTS

Allied Interstate, LLC

County of Residence of First Listed Defendant State of Minnesota

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

'14CV1661 JAH RBB**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTIONCite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
15 USC 1692 et seq (Federal Fair Debt Collection Practices Act)

Brief description of cause:

Unfair and abusive debt collection**VII. REQUESTED IN COMPLAINT:**☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.DEMAND \$
25,000.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

07/15/2014

SIGNATURE OF ATTORNEY OF RECORD

/s/ Jared M. Hartman

FOR OFFICE USE ONLY

RECEIPT # _____

AMOUNT _____

APPLYING IFP _____

JUDGE _____

MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.